

Washington, DC - Congressman Wally Herger (R-CA) spoke on the floor in support of H.R. 4218, the No Social Security Benefits for Prisoners Act of 2009. Herger was responsible for the inclusion of a provision in the in the 1996 welfare reform that denies all fugitive felons, along with probation and parole violators, Supplemental Security Income (SSI) checks. This legislation has saved millions of taxpayer dollars and has aided in over 86,000 arrests. Due to a recent court settlement ([*Martinez, et al. v. Astrue*](#)), the Social Security Administration must restore benefits denied to felons with outstanding arrest warrants. H.R. 4218 would immediately prevent retroactive Social Security and SSI benefits from being sent to individuals currently in jail, preventing tens of thousands of dollars from going to inmates. Herger's remarks follow below:

"I rise today to discuss an issue I have been involved with for many years.

"The landmark 1996 welfare reform included legislation I drafted that denies fugitive felons, along with probation and parole violators, Supplemental Security Income checks. GAO long recognized those SSI disability payments were at high risk for fraud and abuse, and urged Congress to act. Subsequent legislation expanded that 1996 ban to include certain Social Security checks.

"These provisions have been successful in saving millions of taxpayer dollars and have assisted law enforcement in making over 86,000 arrests and getting felons off the street, including a man wanted in Texas for 20 counts of child molestation.

"Due to a recent court action, however, the Social Security Administration now is required to ban payments only to fugitive felons issued a warrant for trying to escape arrest, rather than the broader group of fugitives with an outstanding felony arrest warrant. That action also compels SSA to restore benefits denied earlier – which will result in large retroactive payments of as much as \$30,000 per individual. Not only will this cost taxpayers millions of dollars, but I am deeply concerned that the effectiveness of the program we set up in 1996 could be greatly reduced.

"The bill before us would immediately prevent checks for past-due Social Security and SSI benefits from being sent to currently incarcerated individuals, including checks that without this action could pay inmates tens of thousands of dollars while they are behind bars. Thus the bill

before us is a step in the right direction of addressing issues created by the court decision. But there are more steps to take.

“Following release of an October 2009 report from the SSA Inspector General that brought to light concerns with SSA’s fugitive felon policy, I joined other Ways and Means Members in requesting additional information on how SSA has used the “good cause” exemptions it is already allowed to make in certain cases.

“I believe the Social Security Administration should continue to suspend payments for those fugitives wanted based on the most heinous crimes, while using the authority it already has to make good cause exemptions as appropriate. As the legislation before us suggests, many of those made eligible for disability payments under the recent court action continue to break the law and can and do wind up in jail, costing taxpayers thousands of dollars.

“I look forward to the Inspector General’s response to our inquiry so that Congress can determine the best way forward to improve this important program and prevent the misuse of taxpayer dollars, while protecting those who truly merit relief.

“Let’s stop these payments from going to prisoners today and then keep working to ensure the right people are getting the right benefits, and that taxpayer dollars are spent wisely to help only those truly in need.”